APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,799	06/30/2003	Nigel S. Keam	MS1-1589US	5078

22801 7590 08/10/2006		EXAMINER
LEE & HAYES PLLC		CROSS, ALAN

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/611,799	KEAM ET AL.
	Examiner	**Art Unit**	
	Alan Cross	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>30 June 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) <u>1-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-43</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 June 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>6/06/06, 6/30/03</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 27,40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Wherein the game display further includes an action screen portion. The specification does not describe what this really is. For the purposes of examination this will be interpreted as the game screen where the game action is being portrayed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3,4,6,8,14 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson et al. (US Pub #2002/0142847).

Regarding claim 1: Thompson discloses a method comprising: filtering a plurality

of virtual items based on their attributes; and displaying the filtered items in a game

inventory (pg. 1, parg. 0015).

Regarding claim 3: Thompson discloses the method of claim 1, further

comprising constructing the filter (pg. 1, parg. 0031).

Regarding clam 4: Thompson discloses the method of claim 3, wherein a player

of the game constructs the filter. (pg. 3, parg. 0039).

Regarding claim 6: Thompson discloses the method of claim 3, wherein a

plurality of items included in the inventory are accessed through a plurality of filters (pg.

3, parg. 0033).

Regarding claim 8: Thompson discloses the method of claim 1, wherein only

those virtual items that satisfy a query that corresponds to the filter are selected by the

filter (pg. 1, parg 0013).

Regarding claim 14: Thompson discloses the method of claim 1, further

comprising displaying items that match a selected filter to a player (pg. 2 parg. 0026).

Claims 23,26,27,31-32,34,36 are rejected under 35 U.S.C. 102(b) as being

anticipated by Seven Kingdoms II: The Fryhtan Wars (released July 1999).\

Regarding claim 23: Seven Kingdoms II discloses an apparatus comprising: a

game display, the game display at least partially includes an inventory management

portion, the inventory management portion further includes: an inventory filter icon that

can be selected to yield a selected inventoried package display (game manual pg. 23,

25), the selected inventoried package display displays zero or more virtual item icons,

each displayed virtual item icon represents a virtual item that includes the attributes

filtered based on the inventory filter icon (Nationality Filter, Object filter). Seven

Kingdoms II is a computer readable medium executed on a computer, which is also

known as a game apparatus , having a game display.

Regarding claim 26,34: Seven Kingdoms II discloses the apparatus of claim 23,

wherein a game developer defines the inventory filter icon. As described by the game

manual it would be inherent that the game developer created the icons or else they

would not be described in the game and game manual. Seven Kingdoms II also

discloses computer executable instructions.

Regarding claim 27: Seven Kingdoms II discloses the apparatus of claim 23,

wherein the game display further includes an action screen portion (screen shot).

Regarding claim 28: Seven Kingdoms II teach the apparatus of claim 23, wherein

the apparatus searches a plurality of items for a game, and the apparatus displays only

those items that satisfy search criteria as set forth by the attributes filtered by the

inventory filter icon (game manual pg. 23)

Regarding claim 30: Seven Kingdoms II teach the apparatus of claim 23, wherein

the apparatus highlights the attributes of certain desirable virtual items to a player

(game manual pg. 23)

Regarding claim 31: Seven Kingdoms II discloses a computer readable medium

having computer executable instructions which, when executed by a processor, causes

the processor to: apply a filter to an inventory based on an attribute of each one of a

plurality of virtual items that are used within the game (game manual p.7, and p23).

Regarding claim 32: Seven Kingdoms II discloses the computer executable

instructions of claim 31, further comprising constructing the filter. This is inherent of the

game because the game developer constructed the filters that they have defined

therefor constructing the filter.

Regarding claim 36: Seven Kingdoms II discloses the apparatus of claim 31,

wherein only those virtual items that satisfy a query that corresponds to the filter are

displayed to a player in the filter (game manual p 23, nationality filter, object filter, p. 25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2,5,7,9-13,15-20,35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Thompson in view of Seven Kingdoms II (published).

Regarding claim 2: Thompson teaches the method of claim 1, except wherein the

attributes are invisible. Seven Kingdoms II teach a filter icon, where no attributes are

shown until it is clicked (Seven Kingdoms II manual p23). It is well known in the art for a

game to keep the attributes invisible until the cursor is hovering over it or has been

selected as in (Diablo II). It would have been obvious to one of ordinary skill in the art to

modify the invention of Thompson to keep the attributes invisible using the teachings of

Seven Kingdoms II. This would allow a user to look at an item with out having a display

full of descriptions that would make it unclear to what exactly they were looking at.

Regarding claim 5: Thompson teaches the method of claim 3, except where a

game developer constructs the filter. It is well known in the art that game developers

include a set of filters that they designed to help the player sort though the numerous

objectives, objects, and game pieces. Seven Kingdoms II teaches a nationality filter, an

object filter (game manual pg. 23). It also teaches a menu with items that will show info

about them (game manual pg. 25). It would have been obvious to one of ordinary skill

in the art to modify Thompson with the teaching of Seven Kingdoms II so that there

would be filters that the game developer constructed. This would make it easer for a

user by not having them figure out what aspects of the game to filter out, or select.

Regarding claim 7,35: Thompson teaches the method of claim 6, wherein certain

ones of the plurality of filters are defined by a player of the game (pg. 3, parg. 0039),

except the other ones of the plurality of filters are defined by a game developer. Seven

Kingdoms II teaches where the game has predefined filters set by the game developer.

It is well known for a game to have predetermined filters and options for the user that

were designed by the game developer. It would have been obvious to one of ordinary

skill in the art to modify Thompson with the teaching of Seven Kingdoms II to have

game developer defined filters. This would make a game users playing experience

better by not requiring them to create options and filters that would help them progress

the game, the filters would be there already for them to use.

Regarding claim 9: Thompson teaches the method of claim 8, and is fully

capable where the virtual items are displayed over an inventory management portion of

the display.

Regarding claim 10: Thompson teaches the method of claim 8, except wherein

the query includes a structured query language (SQL) query. It is well known in the art

to use structured query language to search for items in a database.

Regarding claim 11: Thompson teaches the method of claim 1, except wherein

there are a plurality of filters, and each filter is indicated by a distinct inventory filter icon.

Seven Kingdoms II teaches filter icons (screen shot). It would have been obvious to

one of ordinary skill in the art to modify Thompson with the teaching of Seven Kingdoms

II to use icons to represent filters. It is well known in the art to have icons for filters and

objects in the game. This makes for easy recognition and use of the filters and objects.

Regarding claim 12: Thompson teaches the method of claim 11, except further

comprising selecting a virtual item icon to display the virtual item corresponding to the

virtual item icon. Seven Kingdoms II teaches where a virtual item icon is selected the

game them applies the virtual icon.   It would have been obvious to one of ordinary skill in the art to modify Thompson with Seven Kingdoms II to have the virtual icon correspond to its described action. Its obvious to have a virtual icon that when selected will have an action occur corresponding to the icon.

Regarding claim 13: Thompson teaches the method of claim 1, wherein the filter is displayed as a portion of a user interface, further comprising the player at least partially defining the filter (pg. 3, parg. 0032). The user may influence the control to give them a feeling of control and ownership.

Regarding claim 15-18: Thomson teaches the method of claim 14, wherein a mouse, joystick computer display button, or computer display menu is used to select the filter. It is well known to use many different input means to select and control the user interface in a game.

Regarding claim 19, 20: Thomson teaches the method of claim 1, except wherein the filter is represented by a name, or a symbol. Seven Kingdoms II teaches where a filter is represented by a name or a symbol (game manual pg 23,25). It would have been obvious to one of ordinary skill in the art to modify Thompson with the teaching of Seven Kingdoms II to use a name or a symbol to represent a filter.   It is obvious that a game would have to represent the object to the user in a way that the user would be able to decipher what it was so using a name or a symbol would be an obvious way of conveying this message.

Claims 21,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson and Seven Kingdoms II further in view of Motor City Online.

Regarding claim 21: Thompson teaches the method of claim 1, except further comprising altering the attribute of the virtual item. Motor City Online teaches altering the attribute of the virtual item by setting item price, and as the item is used it decreases in value. It would have been obvious to one of ordinary skill in the art to modify Thompson with the teaching of Motor City Online of altering the attribute of the virtual item. This would allow a user to customize an item for there own use, which would give the user a feeling of control and authorship.

Regarding claim 24: Seven Kingdoms II teach the apparatus of claim 23, except wherein dragging a virtual item icon associated with one of the virtual items to a different location on the game display alters the attributes of that virtual item. Motor City Online teaches when you use a virtual item such as a car part or a car it will wear out and loose its value as it would in real life. It would have been obvious to one of ordinary skill in the art to modify Seven Kingdoms II to use the teaching of Motor City Online when using a virtual item the game display alters the attributes of that virtual item, by changing its value, or usage value. This would give a user authorship and control over a game giving them the feel of real life consequences.

Claims 25,33,37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seven Kingdoms II in view of Thompson.

Regarding claim 25: Seven Kingdoms II teach the apparatus of claim 23, except wherein a player defines the inventory filter icon. Thompson teaches a where a user can customize there own filter, and it would be fully capable of setting a icon to that filter

for later use. It would have been obvious to one of ordinary skill in the art to modify

Seven Kingdoms II to use the teaching of Thompson to where the user could define

there own inventory icon. This would give them a feeling of control over the game and

would help them remember the filter that they created to further their status in the game.

Regarding claim 29: Seven Kingdoms II teaches the apparatus of claim 23,

except wherein a player provides attributes and selects items based on the criteria

using a user interface, Thompson teaches wherein a player provides attributes and then

selects the items they wan to use (pg .3, parg. 0039).

Regarding claim 33,38: Seven Kingdoms II teaches the computer executable

instructions of claim 31, except wherein a player of the game defines the filter.

Thompson teaches wherein a player of the game constructs the filter. (pg. 3, parg.

0039). It would have been obvious to one of ordinary skill in the art to modify the game

of Seven Kingdoms Ii to allow a user to define there own filter. This would allow a user

to have a feeling of control and set the game up so that they would be able to be more

successful using a filter they created.

Regarding claim 37: Seven Kingdoms II teaches the apparatus comprising a

game server (game manual pg. 17), the game server at least partially includes an

inventory management portion, the inventory management portion further includes an

inventory filter icon that can be selected to yield a selected inventoried package display,

the selected inventoried package display displays at least one virtual item icon, each

displayed virtual item icon represents a virtual item that includes the attributes filtered by

the inventory filter icon (game manual pg. 23). Thompson also teaches a game server

where filters are applied (pg. 3, parg. 0039).

Regarding claim 39: Seven Kingdoms II teaches the apparatus of claim 37 ,

wherein a game developer defines the inventory filter icon. As described by the game

manual it would be inherent that the game developer created the icons or else they

would not be described in the game and game manual.

Regarding claim 40: Seven Kingdoms II teaches the apparatus of claim 37,

where the game display further includes an action screen portion (screen shot).

Regarding claim 41: Seven kingdoms II teaches the apparatus of claim 37,

wherein the apparatus searches a plurality of items for a game, and the apparatus

displays only those items that satisfy search criteria as set forth by the attributes filtered

by the inventory filter icon (game manual pg. 23).

Regarding claim 42: Seven Kingdoms II teaches the apparatus of claim 37,

except wherein a player provides attributes and selects items based in the criteria using

a user interface. Thompson teaches wherein a player provides attributes and selects

items based in the criteria using a user interface (pg. 2, parg. 0027,0030)

Regarding claim 43: Seven Kingdoms II teaches the apparatus of claim 37,

wherein the apparatus highlights the attributes of certain desirable virtual items by a

player (game manual pg. 23). It would have been obvious to highlight items filtered so

that the filter would do some good and show the needed items and not everything.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weiss et al. (US Patent #6904410) discloses a management system that lets you search and filter out objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cross whose telephone number is 571-272-5529. The examiner can normally be reached on 8-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARC   571-272-5529

XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC3700